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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,051	12/04/2000	Glenn G. Bingham	004701.P005	4545
826	7590	06/22/2007		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER BAYAT, BRADLEY B	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

This communication is in response to Order Returning Undocketed Appeal to Examiner due to the IDS filed on August 29, 2005 that had not been considered. The Final Action in this case was mailed on November 14, 2003. A Notice of Appeal was filed on May 12, 2004.

Appellant's appeal brief was filed on October 8, 2004. The Examiner's Answer was subsequently filed on January 4, 2005. Appellant's Reply Brief was filed on February 8, 2005. The Reply Brief was noted and acknowledged by the Examiner on April 20, 2005 and the case forward to the Board. Subsequently, over four months later on August 29, 2005 Appellant filed an IDS.

The information disclosure statement filed on August 29, 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it does not comply with 37 C.F.R. 1.97(e). In order for the examiner to consider the IDS submitted after a Final Action, applicant is required to a) include all certification requirements for statements under 37 CFR 1.97(e) and b) pay the required fee. Although Applicant has paid the requisite fee, Applicant's submission under 37 CFR 1.97(d) fails to comply with the requirements.

Therefore, the IDS has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m.-6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bradley B. Bayat
Primary Examiner
Art Unit 3621